

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**IN RE: GENERIC PHARMACEUTICALS
PRICING ANTITRUST LITIGATION**

**MDL 2724
16-MD-2724**

**THIS DOCUMENT RELATES TO:

ALL ACTIONS**

HON. CYNTHIA M. RUFE

ORDER

AND NOW, this 13th day of February 2023, upon consideration of the attached Joint Stipulation Between End-Payer Plaintiffs, the States, Direct-Action Plaintiff Humana and Non-Party Aetna Regarding the 15th Report and Recommendation of Special Master David H. Marion, it is hereby **ORDERED** that the Joint Stipulation is **APPROVED**. It is further **ORDERED** that Special Master David H. Marion's Fifteenth Report and Recommendation Attempting to Resolve a Document Production Dispute Between the EPPs and Aetna and Humana Insurance Companies [MDL Doc. 2348] is **CLOSED**.

It is so **ORDERED**.

BY THE COURT:

/s/ Cynthia M. Rufe

CYNTHIA M. RUFE, J.

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MDL No. 2724
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HON. CYNTHIA M. RUFE

ALL ACTIONS

**JOINT STIPULATION BETWEEN END-PAYER PLAINTIFFS,
THE STATES, DIRECT-ACTION PLAINTIFF HUMANA AND
NON-PARTY AETNA REGARDING THE 15TH REPORT
AND RECOMMENDATION OF SPECIAL MASTER DAVID H. MARION**

WHEREAS, on February 2, 2023, Special Master David H. Marion issued his Fifteenth Report and Recommendation Attempting to Resolve a Document Production Dispute Between the EPPs and Aetna and Humana Insurance Companies (ECF No. 2348) (“15th R&R”);

WHEREAS, EPPs, the States, Direct Action Plaintiff Humana and Non-Party Aetna have met and conferred concerning the 15th R&R;

WHEREAS, End-Payer Plaintiffs, Aetna, and Humana maintain their respective positions with respect to the factors that contributed to the timing of Aetna’s and Humana’s data productions;

WHEREAS, Aetna and Humana have represented in good faith that producing their respective claims data by the recommended deadlines in the 15th R&R is not technologically feasible;

WHEREAS, End-Payer Plaintiffs in these specific circumstances accept Aetna and Humana’s representation about the current status of their productions, and maintain that this stipulation has no precedential effect whatsoever as to any other data production issues in this MDL;

WHEREAS, based on Aetna’s and Humana’s representations and the parties’ desire to

avoid further litigation of the matter;

It is hereby stipulated and agreed that Aetna and Humana shall produce their claims data according to the following schedule:

Date for Production	
February 24, 2023	Sample data set
March 9, 2023	Parties to complete discussions re sample
March 28, 2023	Production of data on EPPs' bellwether drugs (Clobetasol and Clomipramine)
April 28, 2023	Production of data on States' 49 bellwether drugs, and non-bellwether drugs

IT IS SO STIPULATED.

Dated: February 10, 2023

Respectfully submitted,

/s/ Laura Mummert
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